

NIPISSING-PARRY SOUND CATHOLIC DISTRICT SCHOOL BOARD

SUSPENSION AND EXPULSION LETTERS AND FORMS	AS 29.0 Section K June 2014
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SUSPENSION LETTER (1-5 SCHOOL DAYS)
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[Name of School Board]

(Insert SCHOOL NAME)

(Date)

(Name of Parent/Guardian/Adult Student) and
(Name of Student)
(Address)
(City and Province) (Postal Code)

Dear (Name of Parent/Guardian/Adult Student) and (Name of Student):

Re: Student's First and Last Name
Date of Birth: Month, day, year

This letter will serve to notify you that **(Student's First and Last Name)** has been suspended from **(Name of School)** for **(indicate reason under the Education Act or Board Policy)**, for **(indicate number)** of school days pursuant to section 306 of the Education Act. This suspension will remain in effect from **(First Day of Suspension)** to **(Last Day of Suspension)** inclusive. **(Student's First Name)** is expected to return to school on **(Date)**.

This disciplinary action is the result of the following conduct:
(Insert a brief factual account of the student's behaviour)

During the term of the suspension **(Student's First Name)** is not permitted to participate in any school or board sponsored activities or be on school property including bus transportation without my permission.

If you have any questions about this action, please contact me. **Optional: Type in your request for meeting arrangements with the parent/guardian/adult student**

If you wish to appeal the suspension under section 309 of the Education Act, you are required to provide written notice of your intention to appeal to **(Name of Superintendent)**, Superintendent of Education, within 10 school days of the commencement of the suspension. In addition, you may contact the Superintendent of Education to discuss any matter with respect to the appeal of the suspension. The contact information for the Superintendent of Education is **(Address and Telephone Number)**.

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Please be advised that an appeal of the suspension does not delay this suspension.

Enclosed is a copy of Board guidelines governing the appeal process.

Sincerely

[Signature of Principal]

Principal

Copies: Superintendent of Education
Director of Education
Ontario Student Record

Attach.

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SUSPENSION LETTER (6-10 SCHOOL DAYS)

[Name of School Board]

(Insert SCHOOL NAME)

(Date (Month, Day, Year))

(Name of Parent/Guardian/Adult Student) and
(Name of Student)
(Address)
(City and Province) (Postal Code)

Dear (Name of Parent/Guardian/Adult Student) and (Name of Student):

Re: Student's First and Last Name
Date of Birth: Month, day, year

This letter will serve to notify you that **(Student's First and Last Name)** has been suspended from **(Name of School)** for **(indicate reason under the Education Act or Board policy)** for **(indicate number)** of school days pursuant to section 306 of the Education Act. This suspension will remain in effect from **(First Day of Suspension)** to **(Last Day of Suspension)** inclusive. **(Student's First Name)** is expected to return to school on **(Date)**.

This disciplinary action is the result of the following conduct:

(Insert a brief factual account of the student's behaviour)

(Student's First Name) is encouraged to participate in the Board's program for students on long-term suspension. The delivery of the Board program may take many forms ranging from a homework package to attendance in a program at a designated location. Please contact me at the school to arrange for participation in the program.

If **(Student's First Name)** makes a commitment to attend the Board program, a Student Action Plan will be developed. The Student Action Plan will include an academic component to support the student. The Board will consider the types of support, if any, **(Student's First Name)** will require during the suspension and upon his/her return to school.

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During the term of the suspension (**Student's First Name**) is not permitted to participate in any school or board sponsored activities or be on school property including bus transportation without my permission.

If you have any questions about this action, please contact me. **Optional: Type in your request for meeting arrangements with the parent/guardian/adult student**

You may wish to appeal the suspension under section 309 of the Education Act. You are required to provide written notice of your intention to appeal to (**Name of Superintendent**), Superintendent of Education, within 10 school days of the commencement of the suspension. In addition, you may contact the Superintendent of Education to discuss any matter with respect to the appeal of the suspension. The contact information for the Superintendent of Education is (**Address and Telephone Number**).

Please be advised that an appeal of the suspension does not delay this suspension.

Enclosed is a copy of Board guidelines governing the appeal process.

Sincerely

[Signature of Principal]
Principal

Copies: Director of Education
Superintendent of Education
Ontario Student Record

Attach.

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SUSPENSION LETTER (11 TO 20 SCHOOL DAYS)

[Name of School Board]

(Insert SCHOOL NAME)

(Date (Month, Day, Year))
(Name of Parent/Guardian/Adult Student) and
(Name of Student)
(Address)
(City and Province) (Postal Code)

Dear (Name of Parent/Guardian/Adult Student) and (Name of Student):

Re: Student's First and Last Name
Date of Birth: Month, day, year

This letter will serve to notify you that (Student's First and Last Name) has been suspended from (Name of School) for (indicate reason under the Education Act or Board policy) for (indicate number) of school days pursuant to section 306 of the Education Act. This suspension will remain in effect from (First Day of Suspension) to (Last Day of Suspension) inclusive. (Student's First Name) is expected to return to school on (Date)

This disciplinary action is the result of the following conduct:

(Insert a brief factual account of the student's behaviour)

(Student's First Name) is encouraged to participate in the Board's program for students on long-term suspension. The delivery of the Board program may take many forms ranging from a homework package to attendance in a program at a designated location. Please contact me at the school to arrange for participation in the program.

If (Student's First Name) makes a commitment to attend the Board program, a Student Action Plan will be developed. The Student Action Plan will include an academic and non-academic component to support the student. The purpose of the academic component is to ensure that all students have the opportunity to continue their education. The purpose of the non-academic component is to assist students in developing positive attitudes and behaviour.

During the term of the suspension (Student's First Name) is not permitted to participate in any school or board sponsored activities or be on school property including bus transportation without my permission.

If you have any questions about this action, please contact me. **Optional: Type in your request for meeting arrangements with the parent/guardian/adult student**

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You may wish to appeal the suspension under section 309 of the Education Act. You are required to provide written notice of your intention to appeal to **(Name of Superintendent)**, Superintendent of Education, within 10 school days of the commencement of the suspension. In addition, you may contact the Superintendent of Education to discuss any matter with respect to the appeal of the suspension. The contact information for the Superintendent of Education is **(Address and Telephone Number)**.

Please be advised that an appeal of the suspension does not delay this suspension.

Enclosed is a copy of Board guidelines governing the appeal process.

Sincerely,

[Signature of Principal]

Principal

Copies: Superintendent of Education
Director of Education
Ontario Student Record

Attach.

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SUSPENSION PENDING POSSIBLE EXPULSION LETTER

[Name of School Board]

(Insert SCHOOL NAME)

(Date (Month, Day, Year))
(Name of Parent/Guardian/Adult Student) and
(Name of Student)
(Address)
(City and Province) (Postal Code)

Dear (Name of Parent/Guardian/Adult Student) and (Name of Student):

**Re: Suspension Pending Possible Expulsion
Student's First and Last Name
Date of Birth: Month, day, year**

This letter will serve to notify you that **(Student's First and Last Name)** has been suspended from **(Name of School)** for **(indicate reason under the Education Act or Board policy)** for 20 school days pursuant to section 310 of the Education Act. This suspension will remain in effect from **(First Day of Suspension)** to **(Last Day of Suspension)** inclusive.

This disciplinary action is the result of the following conduct:

(Insert a brief factual account of the student's behaviour)

I am conducting an investigation into the allegations arising from this incident. As part of my investigation, I will make all reasonable efforts to speak with the student and other individuals who I have reason to believe may have relevant information.

Please note that there is no immediate right to appeal this suspension.

If, on concluding the investigation, I decide not to recommend to the Board that the student be expelled, I will either confirm the suspension, shorten its duration or withdraw the suspension. If, on concluding the investigation, I decide to recommend to the Board that the student be expelled, I will prepare a report containing, among other things, my findings and my recommendation as to whether the student should be expelled from his or her school only or from all schools of the Board.

Following my investigation, if I do not recommend to the Board that the student be expelled, the suspension may be subject to an appeal. If there is an expulsion hearing, the suspension may be addressed by the parties at the hearing.

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The school will provide a homework package to you to help ensure that **(Student's First Name)** does not fall behind in his/her school work. In addition, **(Student's First Name)** is encouraged to participate in the Board's Program for Students on Suspension. Please contact me for information about the program.

If **(Student's First Name)** makes a commitment to attend the Board program, a Student Action Plan will be developed. The Student Action Plan will include an academic and non-academic component to support the student. The purpose of the academic component is to ensure that all students have the opportunity to continue their education. The purpose of the non-academic component is to assist students in developing positive attitudes and behaviour.

During the term of the suspension, with the exception of participation in the Board program, **(Student's First Name)** is not permitted to participate in any school or board sponsored activities or be on school property without my permission.

Please note the appropriate sections of the Education Act attached to this letter.

Sincerely,

[Name of Principal]
Principal

Copies: Superintendent of Education
Director of Education
Ontario Student Record

Attach.

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PRINCIPAL'S INVESTIGATION

This investigation must be completed within five school days of the 20 days suspension.

STUDENT DATA		Student #:
Surname:	First name:	School:
Date of birth: (yy/mm/dd)	Admission date to Board: (yy/mm/dd)	Credits completed:
Current program or grade:	Special education exceptionalty:	Individual Education Plan: <input type="checkbox"/> Yes <input type="checkbox"/> No
Program modifications (past/present);		
Academic history (e.g., attendance, grades, achievement):		
Record of student discipline (including temporary withdrawal, suspensions, etc.):		
Academic, behaviour or social interventions:		
Other agencies or services involved (CAS, social work, psychology/psychiatry, police, etc.):		

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Principal's Investigation – Page 2

DESCRIPTION OF INCIDENT		
Date(s) (yy/mm/dd):	Time (i.e., 11:00 a.m.):	
Specific location of incident:		
If off school property, how did the activity have an impact on the school climate?:		
Specific details of the incident:		
Witnesses		
Students:	Staff:	Others:
Number of alleged perpetrators:	Number of victims involved:	Police involvement: <input type="checkbox"/> Yes <input type="checkbox"/> No
Specify police charges:		

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Principal's Investigation – Page 3

POST INCIDENT UPDATE
Response of victim(s):
Impact on victim(s) and victim's family:
Response of Witness(es) – Any other person whom the principal has reason to believe may have relevant information:
Response of alleged perpetrators:
Response of alleged perpetrator's parent or guardian:
Impact on school/community:

Principal's Investigation – Page 4

REACHING A DECISION

Prior to reaching a decision the principal must:

1. Make reasonable efforts to speak with the pupil, the pupil's parent or guardian (unless the pupil is at least 18 years of age or 16 or 17 years of age and has withdrawn from parental control), and any other person the principal has reason to believe may have relevant information.
2. Consider "mitigating factors" or other factors prescribed by the regulations.

The Ministry of Education Suspension and Expulsion of Pupils Regulation (O. Reg 472/07) sets out the factors that shall be taken into account:

- (1) The pupil does not have the ability to control his or her behaviour.
- (2) The pupil does not have the ability to understand the foreseeable consequences of his or her behaviour.
- (3) The pupil's continuing presence in the school does not create an unacceptable risk to the safety of any person.

The following "other factors" shall be taken into account if they would mitigate the seriousness of the activity for which the pupil may be or is being suspended or expelled:

- (1) The pupil's history.
- (2) Whether a progressive discipline approach has been used with the pupil.
- (3) Whether the activity for which the pupil may be or is being suspended or expelled was related to any harassment of the pupil because of his or her race, ethnic origin, religion, disability, gender or sexual orientation or to any other harassment.
- (4) How the suspension or expulsion would affect the pupil's ongoing education.
- (5) The age of the pupil.
- (6) In the case of a pupil for whom an individual education plan has been developed,
 - (i) whether the behaviour was a manifestation of a disability identified in the pupil's individual education plan,
 - (ii) whether appropriate individualized accommodation has been provided, and
 - (iii) whether the suspension or expulsion is likely to result in an aggravation or worsening of the pupil's behaviour or conduct.

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Principal's Investigation – Page 5

If any mitigating factors exist in the case, please specify:	
If any other factors exist in the case, please specify:	
<input type="checkbox"/> Refer to the Board for an Expulsion Hearing (go to next page)	
<input type="checkbox"/> Not to proceed to expulsion	
Explanation:	
If the decision of the Principal is not to proceed to expulsion, is the suspension and duration of suspension confirmed?	
Is the suspension confirmed but the duration shortened?	
Is the suspension quashed and the record of the suspension expunged?	
Principal's Signature:	Date (yy/mm/dd):

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Principal's Investigation – Page 6

SUMMARY OF THE PRINCIPAL'S FINDINGS	
<input type="checkbox"/> Decision to refer to the Board for an expulsion hearing Explanation: 	
If yes, should the student be: <input type="checkbox"/> Expelled from his/her school <input type="checkbox"/> Expelled from all schools of the Board	
If the Principal recommends that the student be expelled from his/her school, what type of school might benefit the student?	
If the Principal recommends that the student be expelled from all schools, what type of program for expelled students might benefit the student?	
Principal's Signature:	Date (yy/mm/dd):

- Copy: Superintendent of Education
 Director of Education
 Ontario Student Record

NIPISSING-PARRY SOUND CATHOLIC DISTRICT SCHOOL BOARD

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PRINCIPAL'S REPORT

STUDENT DATA		Student #:
Surname:	First name:	School:
Date of birth: (yy/mm/dd)	Admission date to Board: (yy/mm/dd)	Credits completed:
Current program or grade:	Special education exceptionality:	Individual Education Plan: <input type="checkbox"/> Yes <input type="checkbox"/> No
Program modifications (past/present);		
Academic history (e.g., attendance, grades, achievement):		
Record of student discipline (including temporary withdrawal, suspensions, etc.):		
Academic, behaviour or social interventions:		
Other agencies or services involved (CAS, social work, psychology/psychiatry, police, etc.):		

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Principal's Report – Page 2

SUMMARY OF THE PRINCIPAL'S FINDINGS	
<input type="checkbox"/> Decision to refer to the Board for an expulsion hearing Explanation: 	
If yes, should the student be: <input type="checkbox"/> Expelled from his/her school <input type="checkbox"/> Expelled from all schools of the Board	
If the Principal recommends that the student be expelled from his/her school, what type of school might benefit the student?	
If the Principal recommends that the student be expelled from all schools, what type of program for expelled students might benefit the student?	
Principal's Signature:	Date (yy/mm/dd):

- Copy: Superintendent of Education
 Director of Education
 Ontario Student Record

NIPISSING-PARRY SOUND CATHOLIC DISTRICT SCHOOL BOARD

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INVESTIGATION DECISION BY PRINCIPAL (NO SUSPENSION)
--

[Name of School Board]

(Insert SCHOOL NAME)

(Date (Month, Day, Year))
(Name of Parent/Guardian/Adult Student) and
(Name of Student)
(Address)
(City and Province) (Postal Code)

Dear (Name of Parent/Guardian/Adult Student) and (Name of Student):

Re: Student's First and Last Name
Date of Birth: Month, day, year

Further to my letter of (Date of the Suspension Letter), this will serve to notify you that I have conducted an investigation into this matter.

As a result of my investigation, there were relevant mitigating or other factors present and I have decided to withdraw the suspension and expunge the record. In this regard, (Student's First and Last Name) from (Name of the School) will not be subject to an expulsion hearing.

All documentation of the original suspension pending possible expulsion will be removed from (Student's First Name) Ontario Student Record.

Sincerely

[Signature of Principal]

Principal

Copies: Superintendent of Education
Director of Education

Attach.

NIPISSING-PARRY SOUND CATHOLIC DISTRICT SCHOOL BOARD

SUSPENSION AND EXPULSION LETTERS AND FORMS	AS 29.0 Section K June 2014
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INVESTIGATION BY PRINCIPAL (SUSPENSION)
--

[Name of School Board]

(Insert SCHOOL NAME)

(Date (Month, Day, Year))
(Name of Parent/Guardian/Adult Student) and
(Name of Student)
(Address)
(City and Province) (Postal Code)

Dear (Name of Parent/Guardian/Adult Student) and (Name of Student):

Re: Student's First and Last Name
Date of Birth: Month, day, year

Further to my letter of (Date of the Suspension Letter), this will serve to notify you that I have conducted an investigation into this matter. In accordance with the Education Act, (Student's First and Last Name) from (Name of the School) will not be subject to an expulsion hearing.

As a result of my investigation, I have determined that there were relevant mitigating or other factors and I have decided to not refer this matter to the Board for an expulsion hearing.

I confirm that you will receive a revised suspension letter shortly.

If you have any questions pertaining to this matter, please contact me.

Sincerely

[Signature of Principal]

Principal

Copies: Superintendent of Education
Director of Education
Ontario Student Record

Attach.

NIPISSING-PARRY SOUND CATHOLIC DISTRICT SCHOOL BOARD

SUSPENSION AND EXPULSION LETTERS AND FORMS	AS 29.0 Section K June 2014
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INVESTIGATION DECISION BY PRINCIPAL REFERRAL TO BOARD FOR EXPULSION HEARING
--

[Name of School Board]

(Insert SCHOOL NAME)

(Date (Month, Day, Year))
(Name of Parent/Guardian/Adult Student) and
(Name of Student)
(Address)
(City and Province) (Postal Code)

Dear (Name of Parent/Guardian/Adult Student) and (Name of Student):

Re: Student's First and Last Name
Date of Birth: Month, day, year

Further to my letter of **(Date of the Suspension Pending Possible Expulsion Letter)**, this will serve to notify you that I have conducted an investigation into this matter. In accordance with the Education Act, I have decided to refer this matter to the Nipissing-Parry Sound Catholic District School Board for an expulsion hearing. Within the next few days, you will be contacted by the Superintendent of Education regarding the arrangements for this hearing.

Attached to this letter is a copy of the Principal's Report, including:

- a) summary of the Principal's findings;
- b) explanation of the referral to the Board;
- c) recommendation regarding nature and type of expulsion; and
- d) recommendation of school or program that might benefit the student.

Enclosed is a copy of the Board procedures governing the expulsion hearing.

You or your agent have the right to respond, in writing, to the Principal's Report. At the expulsion hearing, as part of its determination, the Board will consider any written response to the Principal's Report. Your written response should be forwarded to the Superintendent of Education and myself.

If you have any questions pertaining to this matter, please contact me or (name of the Superintendent of Education).

Sincerely

[Signature of Principal]
Principal

Copies: Superintendent of Education
Director of Education
Ontario Student Record

NIPISSING-PARRY SOUND CATHOLIC DISTRICT SCHOOL BOARD

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NIPISSING-PARRY SOUND CATHOLIC DISTRICT SCHOOL BOARD

SAP – STUDENT ACTION PLAN

Student's Name:	School:
Grade:	Parent/Guardian:
D.O.B.:	Telephone:
Time period covered by this report	
From:	To:

Student's Strengths (If applicable, please refer to reports such as IEP, Psychological, Psycho-educational, etc.)
Academic Goals, Objectives, and Learning Expectations
Non-Academic Goals, Objectives and Expectations
Measures of Success

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Student's Name: _____

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Strategies and Type of Support
Academic Outcome
Non-Academic Outcome
Student's Tangible and Practical Action Plan Upon Return to School Community (i.e., a five minute presentation to classmates or a letter of apology to victim(s)).

_____ Date

_____ Student's Signature

_____ Date

_____ Parent/Guardian's Signature

This information is collected under the authority of the Education Act and is in compliance with the Municipal Freedom of Information and Protection of Privacy Act.

c. Superintendent of Education

NIPISSING-PARRY SOUND CATHOLIC DISTRICT SCHOOL BOARD

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NOTICE OF INTENTION TO APPEAL A SUSPENSION

To: _____
Name of Superintendent of Education

From: _____
Parent/Guardian/Adult Student

_____ Day Time Phone Number _____ Evening Phone Number

_____ E-mail Address

Re: _____ Name of Student _____ Date of Birth of Student

_____ Name of School _____ Date of Suspension

_____ days
(Duration of Suspension)

I would like to appeal the suspension given to my child. The reasons for the appeal are directly related to the suspension, and are as follows:

I confirm this written notice of my intention to appeal is required to be provided to the Superintendent of Education within 10 school days of the commencement of the suspension.

Signature: _____ Date _____
Parent/Guardian/Adult Student

Name: _____ (Please Print)
Parent/Guardian/Adult Student

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GUIDELINES FOR APPEALING A SUSPENSION

It is a fundamental principle of the common law that persons facing disciplinary consequences be treated fairly. Procedural fairness requires that the disciplinary consequences to a student be administered by a school administrator who conducts an investigation in an impartial and fair manner. Depending on the circumstances, fairness may include:

- giving the student reasonable notice of the rule involved;
- the opportunity to be heard – to tell his/her side of the story; and
- the right to know the case against him/her.

The following is a guideline regarding the rules of procedure for a suspension appeal.

1. If you decide to appeal the suspension, what types of decisions can the Committee make?

Following the suspension appeal hearing, the Committee can make only one of the following decisions:

- confirm the suspension and the duration of the suspension;
- confirm the suspension, but shorten its duration and order that the record of suspension be amended accordingly; or
- quash the suspension and order that the record of suspension be expunged.

2. Does the appeal of a suspension delay the suspension?

No. Even if there is an appeal, the suspension must still be served by the student.

3. Who are the parties to the hearing?

The parties to the hearing are:

- the parent/guardian of a student under the age of 18;
- an adult student;
- a student who is 16 or 17 years old and has withdrawn from parental control; and/or
- the school principal.

4. Can the student who has been suspended attend the hearing even if he or she is not a party?

Yes. The student named in the suspension has the right to be present at the hearing and to make a statement on his or her behalf.

5. Does every party have a right to representation?

Yes. A party to a proceeding may be represented by counsel or an agent. Counsel is a lawyer. An agent may be a trusted family friend, a religious advisor or other person who can assist with the presentation of the case.

NIPISSING-PARRY SOUND CATHOLIC DISTRICT SCHOOL BOARD

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6. What is the role of the Committee of the Board?

The Committee of the Board will consist of at least three members of the Board of Trustees. It will hear and determine an appeal. Members of the Committee who may have had any direct involvement in the matter prior to the commencement of the hearing will disqualify themselves and will not take part in the hearing, the deliberations, the decision or the reasons. Members of the Committee who have not been present through the whole of the hearing will not take part in the deliberations, the decision or the reasons.

7. Is there a requirement to provide disclosure?

Yes. Unless otherwise ordered by the Board, prior to the commencement of the hearing, each party will provide to the other party and to the Board the following information:

- a copy of documents that each party intends to rely on at the hearing.

8. Will the hearing be held in private?

Yes. The Committee will normally order that the hearing will be held in private session.

9. When will a suspension appeal hearing take place?

The Committee of the Board will hear and determine a suspension appeal within 15 school days of receiving the notice of appeal, unless the parties agree otherwise.

10. What is the order of presentation at the hearing?

When the Committee hears an appeal of the decision to suspend a student, the parent or adult student will proceed first in the presentation of evidence and submissions, and the principal will proceed second, unless the parties agree otherwise.

11. How will the suspension appeal hearing be organized?

In hearing a suspension appeal, the following guidelines will apply:

- (a) Five minute introduction of the parties and the Committee of the Board, with discussion on the issues to be addressed by the Committee;
- (b) Ten minute presentation by the parent or adult student in presenting evidence and submissions on behalf of the student;
- (c) Ten minute presentation by the principal in presenting evidence and submissions on behalf of the School; and
- (d) Five minute questions and answer session by the Committee. Caucus, deliberations and decision by the Committee. The Committee has the power to reserve its decision.

12. What if translation or interpretation services are required?

If translation or interpretation services are required, the time limit in each step may be altered.

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13. What will the Committee of the Board consider in making a decision?

The Committee will assess the evidence as provided by the parties, and determine whether on a balance of probabilities, it is more probable than not that the student committed the infraction. Where the Committee determines that the student committed the infraction, the Committee will determine whether the principal considered the mitigating factors or other factors prescribed by the regulations. If the principal failed to consider the mitigating factors or other factors, then the Committee will do so.

14. Can the Committee reserve its decision?

Yes. The Committee has the power to reserve its decision, that is, require further time for its deliberations and conclusions.

15. Will the Committee issue a decision in writing?

Yes. The decision of the Committee will be in writing and signed by the chair of the Committee. A copy of the decision will be sent to all parties to the proceeding who took part in the hearing at their respective addresses last known to the Board.

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GUIDELINES FOR AN EXPULSION HEARING

It is a fundamental principle of the common law that persons facing disciplinary consequences be treated fairly. Procedural fairness requires that the disciplinary consequences to a student be administered by a school administrator who conducts an investigation in an impartial and fair manner. Depending on the circumstances, fairness may include:

- giving the student reasonable notice of the rule involved;
- the opportunity to be heard – to tell his/her side of the story; and
- the right to know the case against him/her.

The following is a guideline regarding the rules of procedure for an expulsion hearing.

1. Who are the parties to the hearing?

The parties to the hearing are:

- the parent/guardian of a student under the age of 18;
- an adult student;
- a student who is 16 or 17 years old and has withdrawn from parental control; and/or
- the school principal.

2. Can the student who has been suspended attend the hearing even if he or she is not a party?

Yes. The student named in the expulsion referral has the right to be present at the hearing and to make a statement on his or her behalf.

3. Does every party have a right to representation?

Yes. A party to a proceeding may be represented by counsel or an agent. Counsel is a lawyer. An agent may be a trusted family friend, a religious advisor or other person who can assist with the presentation of the case.

4. What is the role of the Committee of the Board?

The Committee of the Board will consist of at least three members of the Board of Trustees. It will hear and determine an appeal. Members of the Committee who may have had any direct involvement in the matter prior to the commencement of the hearing will disqualify themselves and will not take part in the hearing, the deliberations, the decision or the reasons. Members of the Committee who have not been present through the whole of the hearing will not take part in the deliberations, the decision or the reasons.

5. Is there a requirement to provide disclosure?

Yes. Unless otherwise ordered by the Board, prior to the commencement of the hearing, each party will provide to the other party and to the Board the following information:

- a list of the witnesses that the party intends to call to give evidence in the proceeding; and
- a copy of documents that each party intends to rely on at the hearing.

6. Will the hearing be held in private?

The Committee will normally order that the hearing will be held in private session.

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7. When will an expulsion hearing take place?

A hearing will be held by the Committee within 20 school days since the student was suspended, unless the parties to the hearing agree to a later deadline.

8. What is the order of presentation at the hearing?

When the Committee hears a recommendation of a principal to expel a student, the principal will proceed first in the calling and examination of witnesses and presentation of evidence and submissions, and the parent or adult student will proceed second, unless the parties agree otherwise.

9. How will the expulsion hearing be organized?

The Chair of the Committee representing the Board introduces the matter and informs the Committee of the parties appearing. The Chair sets out the process for the Committee. The process would include:

- a presentation of evidence by the principal, counsel or agent;
- cross-examination by the parent/guardian/adult student or counsel/representative;
- re-examination;
- questions or points of clarification, through the Chair, by the Committee, on the principal's presentation;
- a presentation by the parent/guardian/adult student or counsel/representative;
- cross-examination by principal, counsel or agent;
- re-examination;
- questions or points of clarification, through the Chair, of the presentation of the student/parents;
- summation by the principal, counsel or agent;
- summation by the parent/guardian/adult student or counsel/ representative;
- reply by the principal, counsel or agent;
- statement by legal counsel of the Board on responsibilities of the Board;
- Committee debates the issue in private and comes to a decision;
- In the event that the recommendation for expulsion is accepted, any motion passed in the private session would be read to the parties in open session; and
- The director and secretary-treasurer of the Board or designate will inform the student/parent of the decision of the Board.

10. What will the Committee of the Board consider in making a decision?

The Committee will assess the evidence as provided by the parties, and determine whether on a balance of probabilities, it is more probable than not that the student committed the infraction. Where the Committee determines that the student committed the infraction, the Committee will determine whether the principal considered the mitigating factors or other factors prescribed by the regulations. If the principal failed to consider the mitigating factors or other factors, then the Committee will do so.

11. What types of decisions can the Committee make?

After completing the hearing, the Board will only decide:

- (a) whether to expel the student; and
- (b) if the student is to be expelled, whether the student is expelled from his or her school only or from all schools of the Board.

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12. What if the Board decides not to expel the student?

If the Board does not expel a student with respect to the original suspension, it will:

- (a) confirm the suspension and the duration of the suspension; or
- (b) confirm the suspension, but shorten its duration, even if the suspension that is under appeal has already been served, and order that the record of the suspension be amended accordingly; or
- (c) quash the suspension and order that the record of the suspension be expunged, even if the suspension that is under appeal has already been served.

13. What if the Board decides to expel the student?

If the Board expels a student, the Board will assign the student to:

- (a) in the case of a student expelled from his or her school only, another school of the Board; and
- (b) in the case of a student expelled from all schools of the Board, a program for expelled students.

14. Can the Committee reserve its decision?

Yes. The Committee has the power to reserve its decision, that is, require further time for its deliberations and conclusions.

15. Will the Committee issue a decision in writing?

Yes. The decision of the Committee will be in writing and signed by the chair of the Committee. When requested by a party, the Committee will give written reasons. Copies of the decision and order, along with its reasons, if requested, will be sent to all parties to the proceedings who took part in the hearing at their respective addresses last known to the Board.

GUIDELINES FOR APPEALING AN EXPULSION DECISION OF THE BOARD

In accordance with the Education Act and its Regulations, an appeal of a school board expulsion decision is to the Child and Family Services Review Board (the "CFSRB"). The CFSRB has its own Rules of Procedures for hearings conducted under the Education Act. A copy of these Rules of Procedures can be obtained from the CFSRB directly (general inquiry: 416-327-4673).

The following is a guideline to an appeal of a school board expulsion:

1. Who may appeal an expulsion?

The following persons may appeal the Board's decision to expel a student, whether the student is expelled from his or her school only or from all schools of the Board, to the CFSRB:

- The student's parent or guardian, unless,
 - (i) the student is at least 18 years old, or
 - (ii) the student is 16 or 17 years old and has withdrawn from parental control.
- The student, if,
 - (i) the student is at least 18 years old, or
 - (ii) the student is 16 or 17 years old and has withdrawn from parental control.
- Such other persons as may be specified by the CFSRB.

2. What is the time frame to file an appeal?

To appeal the Board's decision to expel a student, a person who is entitled to appeal the decision shall give the CFSRB a written notice of appeal within 30 days after the date on which he or she is considered, in accordance with the rules set out in the Education Act, to have received the notice. The CFSRB may extend the period of time for giving the written notice of appeal, before or after the expiry of the period, if it is satisfied that there are reasonable grounds for the extension.

3. What should the notice of appeal contain?

The notice of appeal will:

- set out the date of the decision that is being appealed;
- set out the name of the school board that made the decision;
- state whether the decision expels the student from his or her school only or from all schools of the board; and
- be in a form acceptable to the CFSRB.

4. Who are the parties to an appeal?

- The Board.
- The student, if
 - (i) the student is at least 18 years old, or
 - (ii) the student is 16 or 17 years old and has withdrawn from parental control.
- The student's parent or guardian, if the parent or guardian appealed the decision.
- The person who appealed the decision to expel the student, if the decision was appealed by a person other than the student or the student's parent or guardian.

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5. When will the CFSRB hearing be convened?

The CFSRB will commence a hearing within 30 days after receiving a written notice of appeal. The CFSRB may extend the period of time for commencing the hearing, before or after the expiry of the period at the request of any party to the appeal.

6. Can the student attend the hearing even if he or she is not a party?

The student whose expulsion is being appealed has the right to be present at the hearing and to make a statement on his or her own behalf, whether or not the student is a party to the appeal.

7. What is the practice of the CFSRB in conducting its hearing?

The practice of the CFSRB is to conduct a trial de novo, effectively a full re-hearing of the case.

8. Following an appeal hearing, what is the authority of the CFSRB?

After hearing an appeal from a decision of a board, the CFSRB shall do one of the following:

- . Confirm the Board's decision to expel the student;
- . If the Board's decision was to expel the student from his or her school only, quash the expulsion and reinstate the student to the school; or
- . If the Board's decision was to expel the student from all schools of the Board,
 - (i) change the expulsion to an expulsion from the student's school only, or
 - (ii) quash the expulsion and reinstate the student to his or her school.

9. Will the CFSRB issue a decision in writing?

The CFSRB will provide each party, or the party's counsel or agent, with,
(a) its decision on the appeal within 10 days after completing the hearing; and
(b) written reasons for its decision within 30 days after completing the hearing.

10. Does the CFSRB have the authority to order a record of the expulsion be expunged or amended?

If the CFSRB changes an expulsion from all schools of the Board to an expulsion from the student's school only, or quashes an expulsion and reinstates the student to his or her school, it may order that any record of the expulsion of the student be expunged or amended if the CFSRB considers it appropriate in the circumstances.